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VIA HAND DELIVERY

William J. Bailey, Esq.
Policy Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 544
Washington, D.C. 20554

Re: Written Ex Parte in:
CC Docket No. 97-208, CC Docket No. 97-231,
CC Docket No. 97-121, CC Docket No. 97-137,
CC Docket No. 96-98, and CC Docket No. 98-56

Dear Bill:

As a follow-up to our last meeting regarding unbundled local switching, attached is MCI's analysis of the FCC's authority to require ILEC interconnection with CLEC OS/DA platforms via feature group D trunks, ILEC provision of code conversion and NXX routing, ILEC provision of traffic data reports, and ILEC routing of intraLATA toll calls to the CLEC.

Please give me a call with any questions.

Sincerely,

Karen Reidy

Karen T. Reidy

Attachment

FCC's Authority to Require ILEC Interconnection with CLEC OS/DA Platforms Via Feature Group D Trunks

The Act requires ILECs to provide interconnection on terms that are "just, reasonable, and nondiscriminatory." 47 U.S.C. § 251(c)(2). The FCC has found that this obligation "include[s] modifications to incumbent LEC facilities to the extent necessary to accommodate interconnection." First Report and Order ¶ 198. Because the "incumbent LEC networks were not designed to accommodate third-party interconnection," ILECs must be required to "adapt their facilities to interconnection or use by other carriers," or else the purposes of Section 251(c)(2) will be frustrated. Id. ¶ 202.

Thus, it is well within the FCC's authority under the Act to require RBOCs to provide translation of MOSS signaling to Feature Group D ("FGD") signaling when providing interconnection to CLECs' operator services platforms that use FGD. This is nothing more than a network modification that is necessary to accommodate the interconnection required by Section 251(c)(2). FGD signaling is used by RBOCs in other parts of their networks; it is not a new technology demanded by CLECs while not available to RBOCs. CLECs simply need RBOCs to deploy the systems needed to enable the use of FGD for interconnection with CLECs' operator services platforms, as it is used by RBOCs in other contexts.

RBOCs' contention that the translation requested by CLECs amounts to a demand for interconnection of superior quality is a red herring. The "superior quality" rules that were struck down by the Eighth Circuit are entirely unrelated to the question of whether ILECs must make changes to their existing networks in order to accommodate the interconnection required by the Act. Those rules were concerned with the "quality" of interconnection, as measured by "service standards," such as "probability of blocking in peak hours." First Report and Order ¶ 224; see also 47 C.F.R. § 51.305(a)(3). The request for FGD is not a request for higher standards with

respect to call blocking or any other measure of quality. It is simply a request for a modification that will make interconnection possible. CLECs are not seeking higher quality interconnection, just interconnection in a form that is compatible with their networks. The Eighth Circuit's prohibition of rules requiring superior quality interconnection in no way bars that request.

FCC's Authority to Require ILEC Provision of Code Conversion and NXX Routing

The FCC's authority to require both code conversion and NXX routing follows directly from Section 251(c)(3) of the Act, which requires ILECs to provide nondiscriminatory access to network elements. 47 U.S.C. § 251(c)(3). The Act defines "network element" as "a facility or equipment used in the provision of a telecommunications service," including the "features, functions, and capabilities that are provided by means of such facility or equipment." 47 U.S.C. § 153(45). Thus, because a switch is indisputably a facility used in the provision of telecommunications service,[1] ILECs are obligated to provide the switch, and its features, functions, and capabilities. The FCC confirmed in its Order and rules that the switching network element includes the features, functions, and capabilities of the switch. First Report and Order ¶ 412; 47 C.F.R. § 51.319(c)(1)(i)(C) (switching element includes "all other features that the switch is capable of providing").

Code conversion and NXX routing are functions of the switch and therefore part of the switching element that ILECs are required to provide. Code conversion is simply a translation of a dialed number -- 411 or 555-1212 -- into a number that directs the call to a central destination or database. This is a basic table change within the routing function of the switch. NXX routing is another routing function of the switch, by which calls to certain NXXs are directed over

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[1]The FCC's conclusion that the switch is a network element, see 47 C.F.R. § 51.319(c), was not challenged in the Eighth Circuit.

specific trunk groups different from the ILEC's routing for transport and termination. NXX routing is thus a type of customized routing function, which the FCC has expressly concluded is part of the switching network elements that ILECs must provide. See 47 C.F.R. § 51.319(c)(1)(i)(C)(*2*). Therefore, the Act requires ILECs to provide both code conversion and NXX routing, as well as all other functions of the switch, pursuant to Section 251(c)(3). Although it has been suggested that MCI's desire to use NXX routing in order to offer its customers extended toll-free calling areas would conflict with all LECs' obligation to provide local dialing parity pursuant to Section 251(b)(3), that suggestion is unwarranted. The FCC addressed this specific issue in its Second Report and Order, as follows:

> By requiring that all customers "within a defined local calling area" be able to dial the same number of digits to make a local telephone call, we do not intend to require a competing provider of local exchange service to define its local calling area to match the local calling area of an incumbent LEC. We further do not intend to require a competing provider of telephone exchange service that voluntarily chooses to provide ten-digit as opposed to seven-digit dialing in a local calling area to modify its dialing plan in this instance in order to conform to the dialing plan of another LEC.

Second Report and Order ¶ 75. Thus, the FCC has made clear that the local dialing parity obligation imposed by Section 251(b)(3) should not stifle innovative efforts of CLECs to offer extended toll-free calling areas that differ from the local calling areas defined by ILECs.

FCC's Authority to Require ILEC Provision of Traffic Data Reports

As discussed above, ILECs are required to provide all features, functions, and capabilities of the switch as part of the switching network element. For this reason, ILECs must provide requesting CLECs with traffic data reports showing blocking percentages on trunks used for local interconnection. The recording of this data and generation of reports is a function of the switch, subject to the unbundling requirement in Section 251(c)(3). Moreover, because traffic data reports are needed in order for CLECs to augment existing trunk groups in a timely and

efficient manner, and because such traffic reports are available to the ILEC for engineering its own network, the duty under Section 251(c)(2) to provide interconnection on terms and conditions that are just, reasonable, and nondiscriminatory requires the ILEC to make traffic data reports available to interconnecting CLECs. Otherwise, CLECs will experience risks of blockage that are not faced by the ILEC.

FCC's Authority to Require ILEC Routing of IntraLATA Toll Calls to the CLEC

The ILECs' duty to provide all features, functions, and capabilities of the switch, including customized routing capabilities, also dictates that ILECs must route the intraLATA toll calls of CLEC customers served via unbundled network elements ("UNEs") to the CLEC for completion if requested by the CLEC. Such routing requires nothing more than the loading of translations into the switch's routing table. This would permit CLECs to carry their local customers' intraLATA toll traffic rather than having that traffic default to the ILEC.

All LECs must provide full intraLATA toll dialing parity via the "2-PIC" presubscription method by February 8, 1999, at the latest, see Local Competition Order ¶ 59, and CLECs have the ability to carry their customers' intraLATA toll calls in states that have already implemented 2-PIC. Until intraLATA toll presubscription is implemented everywhere, however, a CLEC should be able to avail itself of the switching capability that would allow it to route its customers' intraLATA toll calls to the CLEC's network. This routing function in no way impairs any carrier's responsibility to provide 2-PIC toll dialing parity: it would only be necessary in states where the ILEC's switches are not yet capable of supporting 2-PIC because full intraLATA toll dialing parity has not yet been implemented there. Because the CLEC would be utilizing the ILEC's switching capability, it would be no more able to support 2-PIC than the ILEC itself. Thus, the use of customized routing to allow CLECs to carry intraLATA toll traffic

would involve no loss of customer choice, merely a change in the default from the ILEC to the CLEC.